

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BENNIE E. BARNES,

Plaintiff,

vs.

**STATE OF PENNSYLVANIA,
and COURT OF COMMON
PLEAS OF ERIE COUNTY,
Defendants.**

CIVIL ACTION NO. 05-112 ERIE

ORDER OF COURT

AND NOW, to-wit, this _____ day of _____ 2005, upon consideration of the foregoing Motion to Dismiss filed on behalf of defendant STATE OF PENNSYLVANIA, IT IS HEREBY ORDERED that the motion is GRANTED.

BY THE COURT:

SUSAN PARADISE BAXTER
United States Magistrate Judge